

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KOMMA  
Serial No.: 10/716990  
Filed: November 18, 2003  
Title: OPTICAL ELEMENT, OPTICAL LENS, OPTICAL HEAD APPARATUS, OPTICAL INFORMATION APPARATUS, COMPUTER, OPTICAL INFORMATION MEDIUM PLAYER, CAR NAVIGATION SYSTEM, OPTICAL INFORMATION MEDIUM RECORDER, AND OPTICAL INFORMATION MEDIUM SERVER

Examiner: A. Lavarias  
Group Art Unit: 2872  
Docket: 10873.1356US01

**CERTIFICATE UNDER 37 C.F.R. 1.10**

Express Mail mailing label number: EV 858801320 US

Date of Deposit: October 31, 2006

I hereby certify that the papers listed below are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Abbie Larkin

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Copies of any foreign patent documents or "Other Documents" are enclosed.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §(a)(3)):

English abstracts have been included for the cited Japanese references. Partial English translations have been included for the documents authored by Nishioka, et al. and Kaiho, et al.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):



- (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or

- ☒ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
- ☐ the requisite Statement is below, OR
- ☒ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☐ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND
- ☐ the requisite Statement is below, AND
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

### STATEMENT

As required under §1.97(e), Applicants hereby state either that:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
- ☐ If this box is checked, Applicant provides the following:

#### **Certification Under 37 C.F.R. §1.704(d)**

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☒ The Examiner is hereby advised of the following co-pending U.S. applications. Copies of two of the following U.S. patent publications are enclosed. Serial No. 11/167,490 is a continuation of Serial no. 10/453,073, therefore a copy of the appropriate U.S. patent publication is not enclosed.

<u>Application No.</u>	<u>Publication No.</u>	<u>Filing Date</u>	<u>Group</u>
11/167,490	US 2005/249099	June, 27, 2005	2872
10/789,309	US 2004/170106	February 26, 2004	2655
10/453,073	US 2003/227858	June, 2, 2003	2872

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

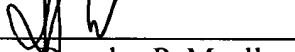
**FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 50-3478. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

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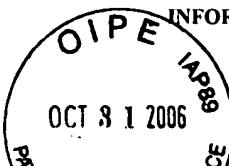
Dated: October 31, 2006

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/pjk

**53148**

PATENT TRADEMARK OFFICE

<b>FORM 1449*</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 10873.1356US01	Application Number: 10/716,990
	Applicant: KOMMA	
	Filing Date: November 18, 2003	Group Art Unit: 2872

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	6, 449, 095	September 2002	Ohtaki et al.				
	6,898,168	May, 2005	Kimura et al.				
	2001/0000135	April, 2001	Mori et al.				
	6,992,967	January, 2006	Jeong				
	2003/227858	December, 2003	Komma				
	2004/170106	September, 2004	Komma				
	2005/249099	November, 2005	Komma				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	11-23819	January, 1999	Japan			Abstract	
	9-306018	November, 1997	Japan			Abstract	
	2001-93179	June, 2001	Japan			Abstract	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Nishioka, et al., "BD/DVD/CD Compatible Optical Pick-up Technology", Extend Abstracts (The 50th Spring Meeting 2003); The Japan Society of Applied Physics and Related Societies, 27 p-ZW-10, Kanagawa University, March 2003 (with partial translation)					
		N. Kaiho, et al., "DVD/CD Compatibility using Blu-ray Disc Pick Up", Extended Abstracts (The 63rd Autumn Meeting, 2002); The Japan Society of Applied Physics, No. 3, September 2002, 27p-YD-5, pp.1008 (with partial translation)					



EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	